

REMARKS

This Application has been carefully reviewed in light of the Office Action. Applicants appreciate the Examiner's consideration of the Application. Claims 1-26 are pending and rejected in the Application. In order to advance prosecution of this Application, Applicants have responded to each notation by the Examiner. Applicants respectfully request reconsideration and favorable action in this case.

Section 101 Rejections

The Office Action states that Claims 9-24 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants have made clarifying amendments to independent Claims 9 and 17. Applicants respectfully submit that Claims 9 and 17 and their dependent claims are sufficiently directed to statutory subject matter, and thus are allowable under 35 U.S.C. § 101. Reconsideration and favorable action is requested.

Section 112 Rejection

The Office Action states that Claims 1-26 are rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Claims 8, 16, and 24 have been cancelled, and Claims 1, 4, 5, 9, 12, 13, 17, 20, 21, 25, and 26 have been amended in accordance with the requirements of the Examiner to correct informalities. Applicants thank the Examiner for pointing out the informalities. The amended claims and their dependent claims particularly point out and distinctly claim the subject matter the Applicants regard as the invention, and thus are allowable under 35 U.S.C. § 112. Reconsideration and favorable action is requested.

Section 103(a) Rejection

The Examiner rejects Claims 1-26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,948,040 to DeLorme et al. ("*DeLorme*") in light of U.S. Patent Application Pub. No. 2002/0095319 to Swart et al. ("*Swart*"). Applicants respectfully traverse this rejection for the reasons discussed below.

Applicants respectfully submit that independent Claim 1, as amended, is allowable at least because the combination of *DeLorme* and *Swart* proposed by the Examiner fails to disclose, teach, or suggest, expressly or inherently, elements specifically recited in

Applicants' claims. For example, the *DeLorme-Swart* combination fails to disclose, teach, or suggest the following recited in amended independent Claim 1:

identifying an advertisement in accordance with the one or more
consumer descriptors using an advertising agent;
presenting the advertisement.

DeLorme discloses a travel reservation information and planning system. (*DeLorme*, Abstract.) *Swart* discloses methods and apparatus for managing time-based entities in a transaction database. (*Swart*, Abstract.) The *DeLorme-Swart* combination, however, fails to disclose, teach, or suggest “identifying an advertisement in accordance with the one or more consumer descriptors using an advertising agent” and “presenting the advertisement” of independent Claim 1.

For at least these reasons, independent Claim 1 and its dependent claims are allowable under 35 U.S.C. § 103. For analogous reasons, independent Claims 9, 17, 25 and 26 and their respective dependent claims are allowable under 35 U.S.C. § 103. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 1-26.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6494.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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